IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

FRIDAY, THE 15TH JUNE 2007 / 25TH JYAISHTA 1929

WP(C).No. 13184 of 2007(S)

PETITIONER:

P.K.RAMESH KUMAR,LEGAL CELL FOR TRUE-DUTY,16/763,M.U COMPLEX,BEHIND SANGAM THEATRE, CALICUT.

BY ADV. SRI.P.V.JYOTHI PRASAD

RESPONDENTS:
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1. STATE OF KERALA REPRESENTED BY CHIEF SECRETARY,SECRETARIATE,TRIVANDRUM.

2. THE DISTRICT COLLECTOR,KOZHIKODE.

3. ADDITIONAL DISTRICT MAGISTRATE,KOZHIKODE
.
4. P.BALAN,ADDITIONAL DISTRICT MAGISTRATE, KOZHIKODE.

5. CHIEF INSPECTOR,CHIEF EXPLOSIVES OF INDIA,NEW DELHI.

6. CHIEF CONTROLLER OF EXPLOSIVES, TRIVANDRUM.

SENIOR GOVERNMENT PLEADER SRI.M.R.SABU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 15/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER DATED 9.4.2007.

RESPONDENTS' EXHIBITS: NIL

//TRUE COPY//

ahz/

H.L.DATTU, C.J. & K.T.SANKARAN,J.

W.P. (C) NO. 13184 OF 2007

Dated this the 15th June, 2007

JUDGMENT

H.L.DATTU, C.J.

A public spirited citizen, a tax payer and a person who is interested in the welfare of the citizens of the State, is appeared before us in this petition under Article 226 of the Constitution of India, inter alia seeking the following reliefs:

> "i) to direct respondent Nos.1 and 2 to pass an order on Exhibit P1 representation;
>
> ii) to direct respondent Nos.1 and 2 not to allow the fourth respondent and his subordinates entering into their office and dealing with the files relating to the issuance of explosive licence at Calicut Corporation till the enquiry is conducted either by the sixth respondent or any other officer."

2. The primary grievance of the petitioner appears to be that the fourth respondent who had issued the explosive licence, is enquiring into the cause of the explosion said to have taken place within the vicinity of Calicut Corporation. Therefore, the petitioner is of the view that the truth will not come out. In view of that, he submits that any other person other than the fourth respondent should enquire into the cause of the explosion that took place in the vicinity of Calicut

Corporation.

3. Learned Government Pleader appears for the respondents. On instructions, he would submit that the fourth respondent is now retired from service. Therefore, according to the learned counsel, the grievance of the petitioner in this writ petition would not survive for consideration of this Court. Further, he would submit that a new incumbent, after he takes over, would conduct enquiry as ordered earlier.

4. In view of the retirement of the fourth respondent from service, in our opinion, the primary grievance of the petitioner in this writ petition will not survive for consideration of this Court. Accordingly, the writ petition is disposed of.

Ordered accordingly.

(H.L.DATTU)
Chief Justice

(K.T.SANKARAN)
Judge

ahz/